

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
ELKINS**

ALLEGHENY WOOD PRODUCTS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action No. 2:22-cv-07 (Kleeh)
UNITED STATES FISH AND WILDLIFE	)	
SERVICE, et al.,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS’ MOTION FOR PARTIAL DISMISSAL**

Defendants United States Fish and Wildlife Service (“FWS”); Martha Williams, in her official capacity as Director of FWS; United States Department of the Interior (“Interior”); and Debra Haaland, in her official capacity as Secretary of the Interior (collectively, “Defendants”) respectfully move this Court for an order dismissing with prejudice the unreasonable delay claim brought under the Administrative Procedure Act by Plaintiff Allegheny Wood Products, Inc. in its Supplemental Complaint (Count II). *See* Docket 16 ¶¶50-53. Defendants’ Motion for Partial Dismissal is brought under Federal Rule of Civil Procedure 12(b)(1) on the grounds that Plaintiff’s claim for unreasonable delay is now moot. Additionally, Defendants rely on the grounds set forth in their Memorandum in Support of Defendants’ Motion for Partial Dismissal, filed herewith.

Dated: December 15, 2022

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2022, I electronically filed the foregoing Defendants' Motion for Partial Dismissal and [Proposed] Order with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

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